



TerreStar Corporation  
11700 Plaza America Drive, 9th Floor  
Reston, VA 20190

March 1, 2012

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Room TW-A325  
Washington, D.C. 20554

RE: Annual 64.2009(E) CPNI Certification for 2012 Covering Calendar Year  
2011, EB Docket No. 06-36

Dear Ms. Dortch:

TerreStar Networks Inc., Debtor-in-Possession<sup>1</sup> ("TerreStar") files this CPNI Certification modeled on the Certification Template<sup>2</sup> attached to FCC Enforcement Advisory 2012-0 issued February 16, 2012. TerreStar began providing commercial telecommunications service on September 21, 2010 as a wholesale provider of satellite roaming<sup>3</sup> to AT&T Wireless.<sup>4</sup>

1. Date filed: March 1, 2012

2. Name of company(s) covered by this certification: TerreStar and TerreStar License Inc., Debtors-in-Possession

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<sup>1</sup> On October 19, 2010, TerreStar Networks Inc. and certain of its affiliates, including TerreStar License, filed voluntary petitions for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York. *See TerreStar Networks Inc.*, Case No. 10-15446 (SHL) (SDNY Oct. 19, 2010). On February 15, 2012 the Bankruptcy Court, pursuant to section 1129 of the Bankruptcy Code, confirmed a Joint Chapter 11 Plan to reorganize TerreStar subject to satisfaction of conditions precedent to consummation of the Plan.

<sup>2</sup> Attachment 2 to DA 12-170, February 16, 2012 and Enforcement Advisory No 2012-01.

<sup>3</sup> TerreStar holds a Letter of Intent ("LOI") authorization permitting it to provide 2 GHz Mobile Satellite Service ("MSS") via the TerreStar-1 satellite. Additionally, in January 2010 TerreStar received blanket authority to operate Ancillary Terrestrial Component ("ATC") base stations and dual-mode MSS-ATC mobile terminals.

<sup>4</sup> AT&T markets a cellular/satellite GENUS<sup>TM</sup> smartphone developed by TerreStar as Satellite Augmented Mobility (SAM). The GENUS offers terrestrial and satellite functionality in a standard form factor enabling SAM subscribers to add satellite access as a roaming option to AT&T mobile service. SAM is offered as a service plan addendum through AT&T enterprise, government and small business sales channels.



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3. Form 499 Filer ID: 826842

4. Name of signatory: Alexandra (Sasha) Field

5. Title of signatory: Sr. Vice President and Deputy General Counsel

6. Certification:

I, Alexandra (Sasha) Field, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures to ensure compliance with the Commission's CPNI rules.

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that TerreStar complies with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 et seq. of the Commission's rules.

TerreStar has not taken actions (i.e., proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission) against data brokers in the past year.

TerreStar has not received customer complaints in the past year concerning the unauthorized release of CPNI.

TerreStar represents and warrants that the above certification is consistent with 47. C.F.R. S: 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed /s/Alexandra (Sasha) Field  
Sr. Vice President and Deputy General Counsel

Attachments: Accompanying Statement Explaining CPNI Procedures



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**TerreStar Networks Inc. Statement Explaining CPNI Procedures Accompanying Its Annual 64.2009(E) CPNI Certification for Calendar Year 2011**

Commission rules require telecommunications carriers and interconnected VoIP providers to establish and maintain safeguards designed to ensure systems and business processes protect subscribers' CPNI.

As noted in the attached compliance certification, TerreStar is a wholesale provider of mobile satellite service to AT&T Wireless end users seeking satellite access as a roaming option outside of AT&T's wireless coverage area. The service is provided pursuant to a Mobile Satellite Services and Support Agreement ("MSSSA") entered between TerreStar and AT&T Mobility II, LLC ("AT&T"). Pursuant to that agreement, TerreStar supplies integrated cellular/mobile satellite terminals that are sold through authorized AT&T handset distributors to AT&T subscribers who order Satellite Augmented Mobility ("SAM") service.

TerreStar does have end user customers. Pursuant to the MSSSA, TerreStar is given a limited right to use AT&T end user data for the purposes of provisioning, providing and monitoring the satellite roaming service; for usage and settlement of roaming charges and for troubleshooting and customer care inquiries. All AT&T end user data remains the property of AT&T inasmuch as AT&T owns the customer and all associated CPNI. AT&T is responsible for substantially all aspects of the carrier - end user relationship including billing, collection, settlement, adjustments and dispute resolution. TerreStar provides order fulfillment, second-level customer care and network operation remediation services to AT&T end users who purchase SAM to extend coverage of their CMRS service.

TerreStar has by system and process design limited access by employees and agents to individually identifiable CPNI of AT&T end users. Customer Care information, where gathered, is stored in remote SAS70 audited systems and is accessed through encrypted systems with multiple user identification protocols. End user interactions with TerreStar Customer Care occur only after hand-off from AT&T customer care. End user identity is verified by AT&T prior to the hand off. Where information provided to Customer Care is required by Network Operations to further investigate complaints, CPNI is stripped in favor of a mobile terminal, SIM or MISDN identifier. With respect to settlement between AT&T and TerreStar of MSS subscription and usage-based (roaming) charges, access to billing vendor records that could contain AT&T end user CPNI is restricted to employees using encrypted laptops and secure communications links to the vendor. TerreStar performs a fulfillment function for mobile terminal orders placed through AT&T authorized distributors whereby terminals are shipped to the end user by TerreStar upon receipt of an order from an AT&T distributor. In performance of the order fulfillment function, TerreStar stores all order data on secure servers. All laptops that access or retrieve order data employ secure encryption. Any email transmission of

fulfillment documents between TerreStar and AT&T's distributor is encrypted. Individual access to order fulfillment records and systems is subject to identification protocols and physical access restrictions.

In considering 47 CFR 64.2009 compliance, TerreStar states as follows with respect to relevant subparagraphs of the rule that obligate it to safeguard AT&T end user CPNI:

64.2009 (b) – All TerreStar employees and contract personnel who have or may have access to customer information received initial CPNI training in September, 2010. TerreStar has assigned responsibility and ongoing accountability for CPNI compliance to individuals within each functional area. Protection of CPNI is considered a priority by senior management. Ongoing compliance and employee training is supervised by the officer who signed the certification accompanying this statement. TerreStar supports CPNI training with written materials and by integrating CPNI review into sales and operations functions. Every TerreStar employee is required to attend CPNI training that includes a comprehensive understanding of what CPNI is, how it should be handled, who should have access to it and how it should be stored. CPNI training is further supported with a Corporate policy describing the legal obligation of employees to disclose any breach of CPNI safeguards leading to accidental or unwarranted disclosure of CPNI, and by access to an anonymous whistleblower hotline for all employees and contractors to report actual or suspected breaches. Employees are informed that a breach of CPNI obligations will be reported to appropriate authorities in accordance with TerreStar's legal obligations and that individuals responsible for a breach may be subject to disciplinary action up to and including termination.

TerreStar fully vetted all internal organizations, systems and business processes for CPNI compliance in 2010 before commencement of commercial service to ensure compliance with applicable law and contractual obligations. In 2011, TerreStar implemented a CPNI Compliance Audit Program to reconfirm and document continuing full compliance. Accountability through operational policies, procedures and processes that protect subscribers' CPNI was reinforced with management of engineering, operations, customer care and sales functions. To audit internal CPNI compliance, employees attached to TerreStar's Law & Public Policy group audited every employee with access to CPNI by survey and one or more follow-up interviews. Employees were questioned to discover how access to CPNI within their organization was controlled (access, storage, communication, disposition). Answers were used to: a) identify any weakness in CPNI treatment creating risk of a network, system or business process failure that could result in a CPNI disclosure event; and, b) to propose recommendations to mitigate any risk of CPNI disclosure.

TerreStar is also bound by the express terms of a Network Security Agreement ("NSA") between TerreStar Networks Inc. ("TerreStar") and the U.S. Departments of

Justice and Homeland Security (“the Government Parties”) dated December 18, 2009, to “... abide by all applicable FCC rules and regulations governing access to and storage of Customer Proprietary Network Information (“CPNI”), as defined in 47 U.S.C. § 222(h)(1).” TerreStar is further required by the NSA to report to the Government Parties within ten calendar days any incident where information acquired by TerreStar or any of its officers, directors, employees, contractors, or agents reasonably indicates an occurrence of unauthorized access to or disclosure of CPNI, Call-Associated Data, Transactional Data, or Subscriber Information, in violation of federal, state or local law or regulation.

TerreStar’s sensitivity to data security protocols also derives from its status as an authorized spacecraft licensee subject to the Arms Export Control Act and International Traffic in Arms Regulations (ITAR). As such, it conducts periodic ITAR compliance training to ensure all employees understand and comply with written organizational policies and information security procedures. All TerreStar facilities (in Virginia and Texas) have premises security equipment and protocols in place to control access to facilities and systems that could contain CPNI.

Finally, design and implementation of regulatory safeguards was integrated with granular contractual obligations required by AT&T. Appendix I to the MSSSA entitled “AT&T Supplier Information Security Requirements (SISR)” contains over sixty detailed internal process controls to protect AT&T end user data TerreStar may collect, store, convey, dispose of or otherwise handle in connection with supplying satellite service to AT&T. TerreStar is bound by the MSSSA to produce written documentation to evidence SISR compliance upon request by AT&T. As such, TerreStar has adopted protocols, policies and methods of procedure (MOP) within its Finance, IT, Customer Care, and Order Fulfillment functions to document compliance with each SISR.

64.2009 (c) – TerreStar has no license or right to use AT&T customer identifiable CPNI. TerreStar does not use AT&T CPNI to market or otherwise sell products except to the extent necessary for it to perform under the MSSSA.

64.2009 (d) – TerreStar does not use CPNI to engage in outbound marketing programs.



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